

## DRAFT RECODIFICATION

### Title 43 RCW STATE GOVERNMENT—EXECUTIVE

#### Chapter 43.12 RCW COMMISSIONER OF PUBLIC LANDS

##### **RCW 43.12.010 Powers and duties--Generally.**

The commissioner of public lands shall exercise such powers and perform such duties as are prescribed by law.

[1965 c 8 § 43.12.010. Prior: 1921 c 7 § 119; RRS § 10877.]

##### **~~RCW 79.01.056~~ 43.12.020 Commissioner of public lands--Deputy--Appointment--Powers--Oath.**

The commissioner ~~of public lands~~ shall have the power to appoint an assistant, who shall be deputy commissioner of public lands with power to perform any act or duty relating to the office of the commissioner, and, in case of vacancy by death or resignation of the commissioner, shall perform the duties of the office until the vacancy is filled, and shall act as chief clerk in the office of the commissioner ~~of public lands~~, and, before ~~entering upon his~~ performing any duties, shall take, subscribe and file in the office of the secretary of state the oath of office required by law of state officers.

[1927 c 255 § 14; RRS § 7797-14. Prior: 1903 c 33 § 1; RRS § 7815. Formerly RCW 43.12.020.]

##### **~~RCW 79.01.060~~ 43.12.030 Auditors and cashiers--~~Inspectors~~—Other assistants.**

The commissioner ~~of public lands~~ shall have the power to appoint an auditor and cashier, and an assistant auditor and cashier, ~~and to appoint and employ such number of state land inspectors, who shall be citizens of the state of Washington familiar with the work of inspecting and appraising lands, and such number of engineers, draftsmen, clerks and other assistants, as he~~ the Commissioner may deem ~~deems~~ necessary for the performance of the duties of ~~his~~ the office.

[1927 c 255 § 15; RRS § 7797-15. Formerly RCW 43.12.030.]

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<sup>i</sup> Eliminate or move to 43.30. \_\_?

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**~~RCW 79.01.064~~ 43.12.040 Official bonds.**

The commissioner ~~of public lands~~ and ~~his appointees~~ those appointed by the commissioner shall enter into good and sufficient surety company bonds as required by law, in the following sums: ~~Commissioner of public lands, fifty thousand dollars; auditor and cashier, twenty thousand dollars; assistant auditor and cashier, ten thousand dollars; each state land inspector, five thousand dollars;~~ and other appointees in such sum as may be fixed in the manner provided by law.

[1927 c 255 § 16; RRS § 7797-16. Prior: 1907 c 119 §§ 1, 2; RRS §§ 7816, 7817. Formerly RCW 43.12.040.]

**RCW 43.12.045 Rule-making authority.**

For rules adopted after July 23, 1995, the commissioner of public lands may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

[1995 c 403 § 101.]

**Notes:**

**Findings--Short title--Intent--1995 c 403:** See note following RCW 34.05.328.

**Part headings not law--Severability--1995 c 403:** See RCW 43.05.903 and 43.05.904.

**RCW 43.12.055 Enforcement in accordance with RCW 43.05.100 and 43.05.110.**

Enforcement action taken after July 23, 1995, by the commissioner of public lands or the supervisor of natural resources shall be in accordance with RCW 43.05.100 and 43.05.110.  
{43.30.095}

[1995 c 403 § 622.]

**Notes:**

**Findings--Short title--Intent--1995 c 403:** See note following RCW 34.05.328.

**Part headings not law--Severability--1995 c 403:** See RCW 43.05.903 and 43.05.904.

**~~RCW 43.30.310~~ 43.12.065 Rules pertaining to public use of state-owned lands--  
Enforcement--Penalty.**

For the promotion of the public safety and the protection of public property, the department ~~of natural resources~~ may, in accordance with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules pertaining to use by the public of state-owned lands and property which are administered by the department.

A violation of any rule adopted under this section shall constitute a misdemeanor unless the department specifies by rule, when not inconsistent with applicable statutes, that violation of the rule is an infraction under chapter 7.84 RCW ~~÷ PROVIDED, That~~ . However, violation of a rule relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

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The commissioner of public lands and such ~~of his~~ employees as ~~he~~ the commissioner may designate shall be vested with police powers when enforcing:

- (1) The rules of the department adopted under this section; or
- (2) The general criminal statutes or ordinances of the state or its political subdivisions where enforcement is necessary for the protection of state-owned lands and property.

[1987 c 380 § 14; 1979 ex.s. c 136 § 38; 1969 ex.s. c 160 § 1.]

**Notes:**

**Effective date--Severability--1987 c 380:** See RCW 7.84.900 and 7.84.901.

**Effective date--Severability--1979 ex.s. c 136:** See notes following RCW 46.63.010.

**RCW ~~79.01.736~~ 43.12.075 Duty of attorney general--Commissioner may represent state.**

It shall be the duty of the attorney general, to institute, or defend, any action or proceeding to which the state, or the commissioner ~~of public lands~~, or the board ~~of natural resources~~, is or may be a party, or in which the interests of the state are involved, in any court of this state, or any other state, or of the United States, or in any department of the United States, or before any board or tribunal, when requested so to do by the commissioner ~~of public lands~~, or the board ~~of natural resources~~, or upon ~~his~~ the attorney general's own initiative.

The commissioner ~~of public lands~~ is authorized to represent the state in any such action or proceeding relating to any public lands of the state.

[1959 c 257 § 40; 1927 c 255 § 194; RRS § 7797-194. Prior: 1909 c 223 § 7; 1897 c 89 § 65; 1895 c 178 § 100. Formerly RCW 79.08.020.]